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**FINAL MINUTES**  
**BOARD OF FORESTRY AND FIRE PROTECTION**

**Sacramento, CA**  
**September 12, 2012**

**BOARD OF FORESTRY MEMBERS PRESENT:**

Stan Dixon, Chairman  
Bruce Saito  
Mark Andre  
Richard Wade  
J. Keith Gilles  
Jim Ostrowski  
Susan Britting  
Mike Miles

**BOARD OF FORESTRY MEMBERS ABSENT:**

None

**BOARD STAFF:**

George Gentry, Executive Officer  
Matthew Dias, Executive Officer, Forester's Licensing  
Eric Huff, Regulations Coordinator  
Linda Cano, Executive Assistant

**DEPARTMENTAL STAFF:**

Ken Pimlott, Director  
Caroline Godkin, Deputy Director Legislation  
Janet Upton, Deputy Director Communications  
Bill Snyder, Deputy Director, Resource Management  
Giny Chandler, Chief Counsel  
Duane Shintaku, Asst. Deputy Director, Forest Practice  
Russ Henly, Asst. Deputy Director, Resource Protection  
Phyllis Banducci, Chief, Fire Planning  
Dean Cromwell, Chief of Planning and Risk Analysis  
Jana Luis, Pre-Fire Coordinator  
Helge Eng, State Forest Program Manager  
Chris Browder, Deputy Chief, THP Administration  
Pete Cafferata, Forest Hydrologist

*The Board's Mission:*

*To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.*

## **Call to Order**

Chairman Dixon called the September 12, 2012 meeting of the Board of Forestry and Fire Protection to order.

## **Announcement of Actions Taken in Executive Session**

No session held

## **Approval of Minutes**

- |                 |  |
|-----------------|--|
| <b>09-12-01</b> | <b>Member Saito moved to approve June 2012 Minutes. Member Andre seconded the motion. The motion passed unanimously.</b>                                   |
| <b>09-12-02</b> | <b>Member Saito moved to approve July 2012 Minutes. Member Britting seconded the motion. The motion passed with two abstentions (for absence).</b>         |
| <b>09-12-03</b> | <b>Member Saito moved to approve August 2012 Minutes. Member Ostrowski seconded with minor edits related to attendance. The motion passed unanimously.</b> |

## **MONTHLY BOARD REPORTS**

### **Report of the Chairman.**

No Report

### **Report of the Director/Department.**

- Fire Activity, as of September 12, 2012, there have been 4,800 fires with 51,000 acres burned on SRA. This year lightning strikes have been a predominate cause for fires. Cal Fire has been supporting the Forest Service on their fires, making resources available. Since June there have been approximately 1600 logged on helicopters and fixed wing aircraft. Because of the significant hours being placed on resources Cal Fire is replacing engines and aircraft as fast as they can. After a certain amount of hours they have to be replaced or rebuilt. Cal Fire is actively using McClellan for a reload base in Sacramento to support two DC10 very large air tankers, two National Guard modular air fire fighting systems and other aircraft as needed. Timberland is primarily what has burned. Cal Fire is working with landowners on rehabilitation. A team has been assembled for watershed restoration process in regards to the Ponderosa fire in Tehama and Shasta Counties.
- The department will bring before the Board considerations for appointments to the Jackson Advisory Group membership and some recommended updates to the charter.
- La Tour State Forest has been selected to supply the state's Capitol Christmas tree. Staff will be at La Tour making the final selection of the tree.
- The Director is very pleased with staff work from Program, the San Diego Unit and the Region in bringing forth the Zone of Infestation for the Goldspotted Oak Borer proposal.
- Urban Community Forestry: the chief of the Forest Service visited California several weeks ago and presented the Urban Relief Program in the bay area with \$181,000. to continue their efforts in working with the inner city to plant trees and bring information to the public on the value of trees on the urban landscape.
- There is continued dialogue with the administration regarding inmate firecrews. The department continues to have staffing on crews. Discussions continue between administration and counties, it is looking favorable as they work through the issue.

- Fire Protection: there are two significant cooperative agreements being processed into the Cooperative Agreement, Fire Protection Program, the San Miguel Fire Protection District and the Paradise Fire Department for Cal Fire to provide fire protection in those areas.
- Safety Program, one of the key components of focus on safety is field accountability and personal safety working in the wildland, geared not only towards law enforcement and resource management staff but firefighters in light of the number of incidence seen with illegal grows.
- The Governor signed the Lumber Assessment bill, September 11, 2012.
- SRA postcards and billings continue to go out through the Board of Equalization. As of September 11, 2012, approximately 14,000 calls have been made to the service center. There were 1800 calls made to the service center on September 11, 2012, the largest number to date. 174,000 postcards have been mailed out by the Board of Equalization. As of late afternoon on September 11, 2012, BOE has agreed to change the picture on the postcard to a more fire prevention oriented picture, with a defensible space theme. They are not sure of the cutoff date for the old postcards as they will continue to use them until they run out. 130,000 bills have been mailed; they are currently at Kern Co. for the postcards and Fresno Co. for the bills. 3,000 petitions have been received to be considered. To give an idea of what type of protests are being received, approximately 1,500 are claiming it is an illegal tax, 393 are disputing the payment, 300 are disputing the number structures on the property, 250 think they should not have to pay the fee, 200 are claiming they are not in SRA.

#### **Report of the Regulations Coordinator.**

#### **Report of Executive Officer.**

- Recent legislation has modified certain statutes. This will necessitate Section 100's (modifications without regulatory effect) for the La Malfa Exemption and in regard to changed THP lengths from SB 1492.
- SB 1241 was signed and now requires local government to make certain findings regarding their General Plans in relation to fire protection. It also requires the development of guidelines for Office of Planning and Research to assist local planners.
- The due date for the annual report of the Board to the legislature is coming up. In the past the Board Priorities report has been submitted to the legislature. The Executive Officer would like to see a more robust discussion of what the Board would like to see in the way of format of the report and how the report is conveyed to the legislature. It will be agendaized for the November Board meeting.

#### **Report of the Standing Committees**

##### **Forest Practice, Mark Andre, Chair**

No action items

- A Road Rules workshop was conducted on Monday, September 10, 2012. The committee worked on the TRA section of the Road Rules.
- Presentation on changes to the Modified THP by Eric Huff. Hopes to have it as an action item in October.
- A report was given on the Northern Spotted Owl by Chris Browder.
- A conversion issue in Del Norte Co. was self resolved; the committee will most likely do a formal follow up. The case involved a county assessor who initiated an immediate rezone on a conservation easement.
- Cumulative Effects Guidance, the committee narrowed the scope of what they will move forward with in terms of recommended enhancements.
- Reviewed the 2012 priorities to decide which ones need to be moved to priority one for 2013.

## Resource Protection, Bruce Saito, Chair

- Presentation given by George Gentry on permanent regulations for SRA Fees.
- Discussed the extension of the SRA emergency regulations.
- Presentation by Chris Zimny on nursery policy. The topic, nursery policy will be on October's FPC agenda.
- Update on Public Resources Code 4290, it will also be on October's FPC agenda to further the discussion.
- Short presentation was given by Mel Thompson with RMAC. RMAC will meet on Board committee days each month.
- Brief presentation given on VTP EIR.

**09-12-04      Member Saito moved to put out for 45 day notice amendments to the permanent SRA regulations. Member Gilless seconded the motion. The motion carried seven to 1, with Member Ostrowski opposing.**

**09-12-05      Member Saito moved to approve the extension of SRA emergency regulations. Member Gilless seconded the motion. The motion passed unanimously.**

## Report of Board's Advisory Committees

- **Forest Pest Council-**
  - **California Oak Mortality Task Force (COMTF) – Katie Palmieri**
- **In May and June 2012, California's stream monitoring efforts recovered *Phytophthora ramorum*** for the first time this season from the Mattole River at Whitehorn, and in the east and west forks of Mattole Canyon Creek, Grindstone Creek, and an upper tributary of Grizzly Creek (Humboldt County). Grindstone Creek was also found positive for the first time in April of this year. The site is located approximately 3 km downstream from the Mattole Canyon Creek site.
- **The USDA Forest Service has completed its 2012 California annual aerial detection** survey for areas associated with Sudden Oak Death (SOD). This year, the aerial survey program mapped 376,000 dead oak and tanoak over 54,000 acres in areas impacted by SOD in California.
- **A residential site in Placer County, California (regulated county) was found to have a *P. ramorum*-positive *Rhododendron* sp. plant on August 28th.** The symptomatic plant was discovered by the homeowner's daughter who works in plant pathology at a lab conducting *P. ramorum* research.
- **Monitoring Study Group- Pete Cafferata**
- MSG meeting scheduled for September 19, 2012, at the Central Valley Regional Water Quality Control Board in Redding, California.
- Pete will be giving an MSG summary PowerPoint presentation to the Cumulative Effects subgroup and the Timber Harvest working group. The subgroup meeting is tentatively set for October 11, 2012.
- Pete and Clay Brandow have prepared a poster for the National SAF convention in Spokane, Washington, California's approaches to protective water quality on non federal timberlands.
- The fifth year celebration workshop and field tour for the Casper Creek water study has been postponed until June or July, 2013.
- **Research and Science Committee- George Gentry**  
Working on a paper on adaptive management for the next scheduled RSC meeting.

- **Committee on Criminal Trespass- George Gentry**
- Noted two Times Standard articles on the impacts of marijuana grows that were included in the September binder. Also noted and included in the binder, a piece on field accountability and personal safety regarding illegal marijuana grow sites.
- The Francis Raymond Award will be awarded posthumously to Jere Melo, his wife Madeline Melo will accept the award at the October 10, 2012 meeting.
- **Range Management Advisory Committee- George Gentry**
- RMAC will invite a wide range of agencies and interest groups in range management to talk about their issues and priorities for 2013 at the November meeting. There was representation from the State Water Board at the RMAC meeting, and a general discussion on water quality waivers as they relate to range management.
- The department designated Tom Sandelin as Executive Secretary to RMAC.
- **Professional Foresters Examining Committee – Matt Dias**
- October 12, 2012 will be the next RPF and CRM examination. There are six applicants for the RPF examination and two for the CRM examination.
- PFEC met on August 13. The CRM panel has requested the guidelines for that program be codified. PFEC will work on that process for the next several months.
- The following Registered Professional Foresters requested and met the requirements for license **WITHDRAWAL** pursuant to 14 CCR §1608(a):

ANN HAMILTON	RPF 2598
WILLIAM HOUSTON	RPF 1662
JAMES MCCOLLISTER	RPF 674

**09-12-06      Member Andre moved to approve RPF withdrawals. Member Miles seconded the motion. The motion passed unanimously.**

- The following Registered Professional Foresters requested to **VOLUNTARILY RELINQUISH** their license to practice forestry due to retirement:

DAN BARRINGER	RPF 816
PRYCE CAMPBELL	RPF 1846
WARREN CARLETON	RPF 1236
LEONARD DEBANO	RPF 750
JO ANN HEREFORD	RPF 2354
MARK PARSON	CRM M46
TIMOTHY PLUMB	RPF 1378
JAMES REID	RPF 422
WALTER SCHLOER	RPF 1084
DALE THORNBURGH	RPF 430
GEORGE UNSOELD	RPF 892

- The Office of Professional Foresters Registration notes the **RECENT PASSING** of the following Registered Professional Foresters:

PETER THILL	RPF 1715
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## **SPECIAL BOARD HEARINGS/REPORTS**

### **Discussion of Nominees for the Jackson Demonstration State Forest Advisory Group.**

Russ Henly Asst. Dep. Director, Resource Protection, reviewed the candidates for the Board. Board members asked about chair selection, staggered terms, and industry representation.

- 09-12-07**      **Member Ostrowski moved to approve the reappointment of, Mike Anderson, Peter Braudrick and Dr. Michael Liquori to JAG. Member Miles seconded the motion. The motion passed unanimously.**
- 09-12-08**      **Member Ostrowski moved to approve the appointment of, Dr. Mahesh Rao, Darcie Mahoney and Amy Wynn to JAG. Member Andre seconded the motion. The motion passed unanimously.**

### **Discussion of possible revisions to the charter of the Jackson Demonstration State Forest Advisory Group.**

Board members generally felt they needed more time to review the document.

- 09-12-09**      **Member Wade moved to delay approval of the Charter to the JAG . Member Ostrowski seconded the motion. The motion passed unanimously.**

**Board Staff will provide background on Board Policies relating to research, as well as specific portions of the JDSF management plan related to research. George Gentry.**

**Department recommendations on Policy and Zone of Infestation for Goldspotted Oak Borer.** Russ Henly Asst. Dep. Director, Resource Protection.

- 09-12-10**      **Member Ostrowski moved to approve resolution for Zone of Infestation for Goldspotted Oak Borer. Member Saito seconded the motion. The motion passed unanimously.**

### **Overview of Bagley-Keene requirements. Deputy Attorney Generals Ted Prim and Julia Bilaver.**

Mr. Prim and Ms. Bilaver covered, among other items:

- The intent of the Act: Consensus versus efficiency, allowing the public access to the process.
- Bodies covered under the act
- Communications: briefing exception, one way legal advice
- Agenda construction

### **Public Comment**

- Jodi Frediani, asked if presentations/PowerPoint's/handouts have to made available to the public. She also asked if meetings held in remote locations should be made accessible to the public.
- Addie Jacobson asked for a time certain for public comment at the meetings, and to alternate committee meeting times. Consider webinars or by teleconference. Have current meeting minutes and meeting materials available online.

## **Fire Plan Implementation Update- Phyllis Banducci, Chief, Fire Planning. CAL FIRE.**

Chief Banducci introduced Jim McDougald and Scott Jones (Pre Fire Coordinators, South and North Region respectively) as well as Mark Rosenberg, Analyst with FRAP.

### **Accomplishments, 2012:**

- Unit Fire Plan template utilized by the field and modified as a result of feedback in 2011
- Framework tools delivered to the field
- Two cycles of Cal MAPPER statewide data submitted from Units and Contract Counties
- 2012 Unit Fire Plans submitted to Sacramento and posted on the CAL FIRE internet site
- Continued Plan rollout and training

### **Plan Rollout and Training for 2012 and 2013**

- The Annual Fire Plan Training will be held at the CAL FIRE Academy in December 2012. Representatives from CAL FIRE Regions, Units (Fire Protection and Resource Management personnel), and Contract Counties will be encouraged to attend. The training program will present materials on the framework tools, Cal MAPPER geodatabase and the template.

### **Unit and Contract County Fire Plan Updates**

- To date, all CAL FIRE Units and Contract County Fire Plans have been updated using the new template and can be viewed at [http://cdfdata.fire.ca.gov/fire\\_er/fpp\\_planning\\_plans](http://cdfdata.fire.ca.gov/fire_er/fpp_planning_plans).

Chief Banducci will present to the Board in October on Unit Fire Plans.

## **Presentation on possible Lumber Assessment Fees**

Executive Officer Gentry outlined potential legislation pending that would require the Board to act quickly. He outlined what the rule language might look like based on the following statutory language:

“On or before October 1, 2012, the board shall adopt a regulation that interprets and makes specific the lumber products and engineered wood products that the board determines shall be subject to the lumber products assessment imposed pursuant to Section 4629.5. The board shall annually update the regulation.”

### **Public Comment**

- Kathryn Phillips, asked for clarification on inorganic, wood trim or plastic composites. She asked if these items have 10% wood product? Shared her concerns that there will be confusion on the part of retailers on what kind of inorganic bonded thermo plastic components would be included in the tax. She would like to see “component part” defined. She also shared her concerns regarding pre-constructed wood fencing sections that if by including them would it encourage wood products to be constructed outside of the state.
- Ken Dunham, suggested creating a list as comprehensively as possible of what wood items that are included in the law, it would eliminate confusion. He added it would also be helpful to the industry if a list of items clearly not on the list was created. He is encouraged that the products on the list will be revisited from time to time.
- Susan Robinson, Forest Watch, asked if anything has been added or deleted from the original arithmetic used to come up with the budget revenue estimate compared to the list today. Will the tax revenue go up or down in regard to what has been added or removed.

George Gentry responded he didn’t know how much the tax would generate and issue did not enter to the deliberations. What went into the deliberations is what the statute states and what should be included in the traditional lumber product.

- Jodi Frediani, asked if the various composites mentioned are required to be labeled according to the percentage of wood product in them. If not, is the cost of relabeling going to be covered with the funds generated.

George Gentry replied the question would be something the Board of Equalization (BOE) would have to answer because they are the ones who implement the regulations.

- Addie Jacobson, asked if a person buys through a wholesaler for a development, is it also going to be a 1% fee or is that only at the retail value.

George Gentry responded that would have to be answered through BOE.

- David Bischel, supports the legislation, they've had an opportunity to review the proposed emergency rule and fully support the language.
- Richard Gienger, reiterated the question regarding wholesale value vs retail value regarding the 1% fee and had a question on the exclusion of log exports.
- Mira Guerhin, in the short term they are pleased with the way the regulations look.
- Rob Diperna, shared that at this time the regulation is inappropriate, in the way 'emergency' is defined in the APA, they feel it does not meet the criteria.

George Gentry responded that would be correct if the Board were acting on the issue unilaterally, however, the Board did not declare the emergency the legislature did and the Board is acting in response to legislation that declares the emergency.

- John Moffatt, Shaw Industries Group, supports the regulations.

**09-12-11      Member Andre moved to close public hearing. Member Ostrowski seconded the motion. The motion passed unanimously.**

**09-12-12      Member Ostrowski moved to approve Lumber Products Assessment, 2012. Member Saito seconded the motion.**

**Chairman Dixon called for a roll call vote:**

<b>Ostrowski</b>	<b>Yes</b>
<b>Saito</b>	<b>Yes</b>
<b>Britting</b>	<b>Yes</b>
<b>Andre</b>	<b>Yes</b>
<b>Gilles</b>	<b>Yes</b>
<b>Miles</b>	<b>Yes</b>
<b>Wade</b>	<b>Yes</b>
<b>Dixon</b>	<b>Yes</b>

**The motion passed unanimously.**

## **CONCLUSION**

### **Public Forum**

Richard Gienger, would like to see a time certain for public comment. Concerned with improving the ?? maximum sustained production.

Rob Diperna, noted letter submitted for the Board binder regarding Northern Spotted Owl 919g.



Matthew Chapman, shared his frustration regarding a project in Tuolumne Co. he felt was in violation of the 4290 Fire Safe Law.

**New and Unfinished business**

None

**Adjourn**

Respectfully submitted,



George D. Gentry  
Executive Officer

ATTEST:



Stan Dixon  
Chairman

Copies of the attendance sheets can be obtained from the Board Office.